

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) FANSTEEL METALS, INC.,	)
F/K/A FMRI, INC.	)
	)
Plaintiff,	)
vs.	) Civil Action No.6:22-cv-00366-JFH-GLJ
	)
(1) CITIGROUP, INC.; and	)
(2) UNION CARBIDE CORPORATION	)
	)
Defendants.	)

**DEFENDANT CITIGROUP, INC.'S NINTH UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO ANSWER OR OTHERWISE  
RESPOND TO COMPLAINT [Dkt. 2]**

**COMES NOW** Defendant Citigroup, Inc. (“Citigroup”), by and through its counsel of record, and, while reserving all defenses as stated in all previous status reports and extension requests and the Tenth Joint Status Report [Dkt. 76], respectfully requests an extension to November 7, 2025, of its time to answer or file other responsive pleading to Plaintiff’s Complaint in this case.

1. The reasons for this request are stated in more detail in the Tenth Joint Status Report of the Parties filed on June 27, 2025, incorporated herein by reference. [Dkt. 76.]

2. The current deadline for Citigroup to Answer or otherwise respond to Plaintiff’s Complaint is July 7, 2025. [Dkt. 75.]

3. Since the filing of the Ninth Joint Status Report, on March 25, 2025 [Dkt. 71], there has been progress regarding the Fansteel Site, which is at issue in this CERCLA action. As the Tenth Joint Status Report more fully describes, EPA and DOJ Enforcement have determined which PRPs (potentially responsible parties) will be classified as *de minimis* and non-*de minimis* for purposes of *de minimis* settlement offers issued by EPA to *de minimis* PRPs, and Plaintiff has provided to the Defendants in this case a settlement agreement form dealing

with past response costs. Plaintiff provided some of the additional documents regarding past costs on May 19, 2025, and supplemented that production on June 4, 2025. However, as Plaintiff's counsel has acknowledged, documents that Citigroup and Union Carbide Corporation need to evaluate settlement still need to be provided, but Plaintiff's counsel has indicated those remaining documents should be produced by the end of June. Citigroup understands from Plaintiff's counsel that his client is working diligently to assemble and produce the balance of their documentation by then. The additional documentation will need to be reviewed to properly assess settlement of this matter.

4. The Parties believe that it will be beneficial to continue informal document sharing, including the documentation from Fansteel noted above, while awaiting final information from the U.S. EPA's third-party contractor on the RWM calculations as well as the *de minimis* party determinations. Due to timing of the issues noted in the Tenth Joint Status Report and previous status reports to the Court, evaluation of the previously presented, revised settlement agreement form, review of documentation provided and anticipated to be provided, and because the Parties continue to await the final report of U.S. EPA's third-party contractor, Toeroek Associates, Inc. ("Toeroek") which we understand will include final calculations or its determination of the percentage of total alleged RWM volume at the Fansteel Site attributable to specific Defendants, and because this information is necessary before proceeding with pleadings and discovery, this Defendant and the other Parties believe that the requested additional extension of time to answer or file a responsive pleading will save judicial resources, streamline this case, and may facilitate settlement discussions between the Parties. Thus, Citigroup submits that there is good cause for the requested extension of time stated

in the Tenth Joint Status Report (June 27, 2025, Dkt. 76) for its new deadline to answer or to otherwise respond to Plaintiff's Complaint of November 7, 2025.

5. After the filing of the first Joint Status Report on April 3, 2023 [Dkt. 29], the Court entered a minute order [Dkt. 30] setting Citigroup's date to answer or otherwise respond on June 1, 2023. Subsequently, Citigroup filed its first unopposed motion for an extension of time on May 31, 2023 [Dkt. 32], for reasons set out in that motion and more fully in the Second Joint Status Report filed May 22, 2023 [Dkt. 31], which the Court granted in its Minute Order of June 1, 2023, making Citigroup's deadline to answer or otherwise respond September 1, 2023. [Dkt. 33.]

6. Citigroup filed a Second Unopposed Motion for Extension of Time to Answer or Otherwise Respond on or about August 22, 2023 [Dkt. 40], for the reasons stated therein and in the Third Joint Status Report filed on August 21, 2023 [Dkt. 37], which was granted on August 23, 2023, making Citigroup's deadline to answer or otherwise respond December 1, 2023. [Dkt. 41.]

7. Subsequently, Citigroup filed a Third Unopposed Motion for Extension of Time to Answer or Otherwise Respond on or about November 22, 2023 [Dkt. 44], which was granted on November 28, 2023, making Citigroup's deadline to answer or otherwise respond April 1, 2024. [Dkt. 45.]

8. Subsequently, Citigroup filed a Fourth Unopposed Motion for Extension of Time to Answer or Otherwise Respond on or about March 25, 2024 [Dkt. 51], which was granted on March 25, 2024, making Citigroup's deadline to answer or otherwise respond July 1, 2024. [Dkt. 52.]

9. Subsequently, Citigroup filed a Fifth Unopposed Motion for Extension of Time to Answer or Otherwise Respond on or about June 24, 2024 [Dkt. 54], which was granted on

June 24, 2024, making Citigroup's deadline to answer or otherwise respond September 3, 2024.

[Dkt. 52.]

10. Subsequently, Citigroup filed a Sixth Unopposed Motion for Extension of Time to Answer or Otherwise Respond on or about August 23, 2024, [Dkt. 62], which was granted on August 26, 2024, making Citigroup's deadline to answer or otherwise respond January 6, 2025. [Dkt. 63].

11. For the reason stated therein, Citigroup filed its Seventh Unopposed Motion for Extension of Time to Answer or Otherwise Respond on or about December 30, 2024, [Dkt. 67], which was granted on December 30, 2024, making Citigroup's deadline to answer or otherwise respond April 7, 2025. [Dkt. 68].

12. For the reasons stated therein, Citigroup filed its Unopposed Eighth Motion for Extension of Time to Answer or Otherwise Respond to the Complaint which was granted, extending Citigroup's deadline to Answer or Otherwise Respond to Plaintiff's Complaint to July 7, 2025 [Dkt. 75].

13. The requested extension in this Ninth Unopposed Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint is supported as stated herein and in the Tenth Joint Status Report [Dkt. 76].

14. There is currently no scheduling order in this case, there is no trial setting, and the requested extension will not have any effect on any other deadlines.

15. Counsel for Plaintiff and counsel for Defendant Union Carbide Corporation each consent to and have no objection to Citigroup's additional requested extension of time to answer or otherwise respond to the Complaint.

16. A proposed Order will be submitted pursuant to the Local Rules.

**WHEREFORE, PREMISES CONSIDERED,** Defendant respectfully requests that the Court grant Defendant Citigroup an extension until November 7, 2025, to file its Answer or other responsive pleading.

Respectfully submitted,

/s/Michael S. Linscott

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*Attorneys for Defendant Citigroup Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2025, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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*/s/Michael S. Linscott* \_\_\_\_\_

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